

Washington, D.C. 20505

80-108/2

22 FEB 1980

Honorable Alan K. Campbell  
Director  
Office of Personnel Management  
Washington, D.C. 20415

Dear Scotty:

At various times in the past the Agency has sought authorization for its current and former employees to be eligible for non-competitive appointment into the competitive service. We have pursued such action to gain an equal footing with other government agencies who have been granted such authority and to eliminate a serious obstacle to our employees establishing their eligibility for employment elsewhere in the Federal Government.

The last effort to secure this appointment entitlement was made by the Agency in 1971-72 and was aimed at obtaining an executive order similar to the one which gave the Foreign Service competitive appointment rights in 1965. Eventually, following a series of discussions between the Agency and the Civil Service Commission, the latter agreed to prepare and forward an executive order to the Office of Management and Budget for action. Unfortunately, that order was never issued.

We have recently concluded a comprehensive review of all aspects of our personnel system, which included a study by consultants of the National Academy of Public Administration. During the course of our review, it was concluded that we should again seek authority for Agency employees to be eligible for non-competitive appointment into the competitive service. I plan to ask the Agency's Director of Personnel Policy, Planning, and Management, Mr. Harry E. Fitzwater,

to contact OPM to explore the best means to achieve this objective. His contact will be facilitated if you can designate the appropriate official to be called within your office.

In renewing this important effort, I would appreciate receiving your advice and support.

Sincerely,

/s/ Frank C. Carlucci

Frank C. Carlucci

Harry E. Fitzwater

Distribution:

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Originator:

Director of Personnel Policy,  
Planning, and Management

21 FEB 1980

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STATINTL

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21 January 1980

NOTE FOR: Director of Personnel Policy,  
Planning, and Management

FROM : Vince Puritano  
SA/DDCI

Harry, *Harry*

The DDCI has reviewed your memorandum on CIA employee non-competitive transfers and, rather than the DDCI discussing the matter with the Director of OMB, he suggests the following.

Prepare a memorandum from him to Scotty Campbell, Director of OPM, posing our case and the issues and justifying our position. Mention that the Director of Personnel of CIA will be meeting with the appropriate people in his agency. You should then pursue it. When you are blocked or hung up at the working level in OPM, then Frank will take it up with Scotty.

*V. P.*  
Vince P.

15 JAN 1980

MEMORANDUM FOR: Deputy Director of Central Intelligence


FROM: Harry E. Fitzwater  
Director of Personnel  
Policy, Planning, and Management

SUBJECT: CIA Employees Non-Competitive Transfers to  
Other Federal Agencies

1. At the Executive Committee Meeting on 18 December 1979 you tasked me to determine whether Agency personnel have the same civil service rights for non-competitive transfers as members of the Foreign Service. If it were found that they do not, you agreed to discuss the matter with the Director of the Office of Management and Budget.

2. The answer to the question as to Foreign Service officers' rights is set forth in Executive Order 11219 of 6 May 1965, attached. The State Department's Office of Personnel verifies that Foreign Service officers and employees do indeed have the rights and exercise them in accordance with the Executive Order. No such rights exist for Agency employees.

3. It is requested that you discuss this matter with the Director of the Office of Management and Budget.

  
Harry E. Fitzwater

STATINTL

Att

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agencies (including, as used in this Order, executive departments and other executive agencies) the heads of which are not members of the Council are to be considered by the Council, the chairman of the Council shall invite such heads to participate in the deliberations of the Council."

THE WHITE HOUSE,  
April 24, 1965.

LYNDON B. JOHNSON

**[Executive Order 11219]**

**PROVIDING FOR THE APPOINTMENT IN THE COMPETITIVE SERVICE OF CERTAIN PRESENT AND FORMER OFFICERS AND EMPLOYEES OF THE FOREIGN SERVICE**

By virtue of the authority vested in me by section 1753 of the Revised Statutes and the Civil Service Act (22 Stat. 403), and as President of the United States, it is hereby ordered as follows:

**SECTION 1.** Under regulations and conditions prescribed by the Civil Service Commission, a present or former officer or employee of the Foreign Service may be appointed in the competitive service if he:

- (a) Is qualified for the position in the competitive service;
- (b) Was appointed in the Foreign Service under authority of the Foreign Service Act of 1946, as amended, or legislation that supplements or replaces that Act;
- (c) Served in the Foreign Service under an unlimited, career-type appointment and, immediately before his separation from that appointment, he completed at least one year of continuous service under one or more nontemporary appointments in the Foreign Service which may include the service that made him eligible for his career-type appointment; and
- (d) Is appointed within 3 years after his separation from the Foreign Service, or he completed at least 3 years of substantially continuous service under one or more nontemporary appointments in the Foreign Service immediately before his separation from the unlimited, career-type appointment in that Service which may include the service that made him eligible for such appointment, or he is entitled to preference under section 2 of the Veterans' Preference Act of 1944, as amended.

**SEC. 2.** (a) Except as provided in paragraph (b) of this section, a person appointed under Section 1 of this Order becomes a career conditional employee.

(b) A person appointed under Section 1 of this Order becomes a career employee when he:

- (1) Has completed at least 3 years of substantially continuous service under one or more nontemporary appointments in the Foreign Service immediately before his separation from the unlimited, career-type appointment in that Service which may include the service that made him eligible for such appointment;

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(2) Is appointed to a position in the competitive service required by law or Executive order to be filled on a permanent or career basis; or

(3) Has completed the service requirement for career tenure in the competitive service.

For the purpose of subparagraph (3) of this paragraph, service in the Foreign Service is creditable in meeting the service requirement only if the person concerned is appointed to a nontemporary position in the competitive service under Section 1 of this Order within 30 days after his separation from the Foreign Service.

SEC. 3. A person appointed to a nontemporary position in the competitive service under Section 1 of this Order acquires a competitive status automatically on appointment.

SEC. 4. Any law, Executive order, or regulation that would disqualify an applicant for appointment in the competitive service shall also disqualify a person for appointment under Section 1 of this Order.

SEC. 5. For the purpose of this Order, a person is deemed to be an officer or employee in the "Foreign Service" if he was appointed in any agency under authority of the Foreign Service Act of 1946, as amended, or legislation that supplements or replaces that Act.

THE WHITE HOUSE,  
May 6, 1965.

LYNDON B. JOHNSON

amended by E.O. 12107

Dec. 28, 1978

**Executive Order 11220**

**TRANSFERRING LANDS IN THE STATE OF WASHINGTON FROM THE OKANOGAN NATIONAL FOREST TO THE WENATCHEE NATIONAL FOREST**

WHEREAS a part of the Okanogan National Forest in Washington is so situated that its transfer to the Wenatchee National Forest in Washington would facilitate protection and administration of national forest land and would be in the public interest:

NOW, THEREFORE, by virtue of the authority vested in me by the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and Section 11 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 521), and as President of the United States, and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

All that part of the Okanogan National Forest, formerly known as the Chelan National Forest, established by Executive Order No. 823 of June 18, 1908, as amended and supplemented, which is situated in Chelan County, Washington, comprising a gross area of approximately 531,172 acres, of which about 521,944 acres consist of certain lands withdrawn from the public domain and others acquired by exchange (16 U.S.C. 485, 486) and donation (16 U.S.C. 569), is hereby

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